

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Christopher Durant,

Civil File No. 05 CV 1002 MJD/JGL

Plaintiff,

vs.

ANSWER

Capital Management Services Group,
Inc.,

Defendant.

Defendant, Capital Management Services, Inc., sued as “Capital Management Services Group Inc.,” for its Answer to Plaintiff’s Complaint states and alleges as follows:

1. Admits that although the USC sections cited in paragraph 1 provide for jurisdiction, Defendant denies it has violated any such law which would subject it to such jurisdiction.

2. Admits the allegations contained in paragraph 3 of Plaintiff’s Complaint but denies the legal conclusions set forth in this paragraph.

3. Admits that it telephoned the Plaintiff as alleged in paragraph 6, but denies the remaining allegations thereof.

4. Denies the allegations contained in paragraphs 5, 8, 9, 10, 11, 12, 13, 14 and any legal conclusions set out in these paragraphs.

5. Denies that it failed to comply with a request that telephone contact cease as alleged in paragraph 7.

6. Denies acts and omissions constituting violations of the FDCPA as alleged in paragraph 17, and any legal conclusions set out in this paragraph.

7. Denies violating the FDCPA as alleged in paragraph 18 and denies that Plaintiff is entitled to any damages, attorney's fees and costs and further denies any legal conclusions set out in this paragraph.

8. Lack information and knowledge sufficient to form a belief as to the truth of and therefore denies the allegations of paragraph 2, 4 and 15.

9. To the extent that an answer is requested, denies the allegations contained in paragraph 16.

FIRST AFFIRMATIVE DEFENSE

10. Plaintiff fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

11. Any violation of the FDCPA was not intentional and resulted if at all, from a *bona fide* error notwithstanding the maintenance of procedures reasonably adapted to avoid such error.

THIRD AFFIRMATIVE DEFENSE

12. Plaintiff lacks standing to assert the claims alleged and the relief sought.

WHEREFORE, Defendant respectfully requests that the Court enter judgment dismissing the Complaint with prejudice and on the merits, that Defendant be awarded its costs and disbursements incurred herein, together with such other and further relief as the Court deems just and proper.

BASSFORD REMELE, A *Professional Association*

Dated: 7/14/05

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